

AUG 12 2004

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Fax Cover Sheet

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DATE: August 12, 2004

TO: Mail Stop ISSUE FEE—Office of Patent Publ'g Div FAX: (703) 872-9306

FROM: Eric W. Cernyar, Reg. No. 45,919

PHONE: (210) 863-0063

Number of pages including cover sheet: 9

Re: 37 CFR 1.312 AFTER ALLOWANCE AMENDMENT
Application No. 09/755,313
Filed 12/27/2000
Inventor Kenneth Bolam
Docket No.: EXT.462C1.US

Enclosed please find:

Transmittal Form
Fee Transmittal Form (in duplicate)
37 CFR 1.312 After Allowance Amendment (3 pages)
Substitute pages 36 and 37 of the Specification (2 pages)

Respectfully Submitted,
Eric W. Cernyar
(210) 863-0063 (phone)

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PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/755,313	
	Filing Date	December 27, 2000	
	First Named Inventor	Bolan, Kenneth Michael	
	Art Unit	2856	
	Examiner Name	Frank, Rodney T	
Total Number of Pages in This Submission	9	Attorney Docket Number	EXT.462C1.LJS

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Section 312 After Allowance Amendment <i>Substitute pages 36 & 37 of specification</i>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Eric W. Cernyar, Reg. No. 45,919
Signature	<i>Eric W. Cernyar</i>
Date	8/12/2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Eric W. Cernyar
Signature	<i>Eric W. Cernyar</i>
Date	8/12/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (10-03)

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FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**130****Complete if Known**

Application Number	09/755,313
Filing Date	December 27, 2000
First Named Inventor	Bolam, Kenneth Michael
Examiner Name	Frank, Rodney T
Art Unit	2856
Attorney Docket No.	EXT.462C1.US

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

500-326

Kinetic Concepts, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1061 130	2061 65	Surcharge - late filing fee or oath	
1062 50	2062 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 820*	1804 820*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1480 130	1480 130	Petitions to the Commissioner	130
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**130****SUBMITTED BY**Name (Print/Type) **Eric W. Camyar**Registration No.
(Attorney/Agent)

45919

(Complete if applicable)

Telephone **210 863-0063**

Signature

Date **August 12, 2004****WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/H7 (10-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2004**

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☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT**

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Complete if Known

Application Number	09/755,313
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First Named Inventor	Bolam, Kenneth Michael
Examiner Name	Frank, Rodney T
Art Unit	2856
Attorney Docket No.	EXT.462C1.US

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number	500-326
Deposit Account Name	Kinetic Concepts, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

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(\$)

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FEE CALCULATION (continued)**3. ADDITIONAL FEES**

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1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130**SUBMITTED BY**

Name (Print/Type) Eric W. Semyar

Registration No. 45919

(Attorney/Agent)

(Complete if applicable)

Telephone 210 863-0063

Signature

Date

August 12, 2004

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Appl. No. : 09/755,313 Confirmation No. 5018
Applicants : Bolam, et al.
Filed : December 27, 2000
TC/A.U. : 2856
Examiner: : Frank, Rodney T.
Docket No. : EXT.462C1.US
Customer No. : 30159

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Alexandria, VA 22313-1450

**37 CFR 1.312 AFTER ALLOWANCE AMENDMENT AND PETITION
IN RESPONSE TO
NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION**

In Response to the Notice of Drawing Inconsistency With Specification (PTO-1631) dated August 9, 2004, Applicant hereby petitions for acceptance of this 37 CFR 1.312 amendment deleting the paragraph in the brief description referring to Fig. 12. This amendment was not earlier presented because the inconsistency was not earlier noted by the PTO and the undersigned did realize, until now, that there was any inconsistency. The Detailed Description, it should be noted, makes no reference to Fig. 12, and thus the inconsistency is easily overlooked.

Applicants also wish to note that the undersigned received a phone call from Examiner Tawana Mills asking for new copies of pages 36 and 37 of the specification, because the PTO's copies are unclear. The Applicants' own *paper-file* copy of pages 36 and 37 are also unclear – revealing an apparent copying error in which parts of pages 36 and 37 were copied onto a single page. The undersigned has, however, obtained an electronic copy of the specification from the attorney who drafted and filed the application, and printed out pages 36 and 37 again.

Therefore, Applicants also petition the Commissioner to accept the accompanying substitute pages 36 and 37 for the pages in the PTO's file.¹ This substitution does not add new matter because the text of pages 36 and 37 is identical to the corresponding text of the parent application 08/751,170, now U.S. Patent No. 5,951,502. See U.S. Patent No. 5,951,502, col. 12, line 54 – col. 13, line 53. Note that the first paragraph of the specification states that the

¹ For reasons the undersigned does not understand, the undersigned's word processing software blocks out the line numbers.

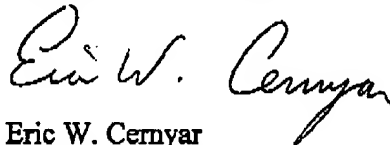
application is a continuation-in-part of 08/751,170. The substitute pages should also correspond with the miscopied pages in the PTO's file.

This substitution was not earlier proposed because the undersigned did not know that the PTO's own copy of pages 36 and 37 was unclear until notified yesterday.

The Commissioner is authorized to charge any fee that may be required, including the required section 1.17(i) fee, to Kinetic Concepts' deposit account no. 500-326.

The Amendment to the Specification is provided on page 3 of this paper.

Respectfully submitted,



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